



DOCKET: CU-3446 (CU-1516)
Declaration of Inventor

REISSUE PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of: Terumi SUNAGA

U.S. Patent No.: 6,381,233

Issued On: April 30, 2002

For: SPREAD SPECTRUM COMMUNICATION TRANSMITTER AND RECEIVER,
AND CDMA MOBILE COMMUNICATION SYSTEM AND METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF INVENTOR IN REISSUE APPLICATION

Sir:

I, Terumi SUNAGA, a citizen of Japan, residing at 8-26-5-103, Kounandai, Kounan-Ku, Yokohama-Shi, Kanagawa 234 Japan, declare and state as follows:

That I believe I am the original, first and sole inventor of the invention described and claimed in the United States Letters Patent No. 6,381,233 (hereinafter "the Original Patent") and for which a reissue patent is sought on the invention titled SPREAD SPECTRUM COMMUNICATION TRANSMITTER AND RECEIVER, AND CDMA MOBILE COMMUNICATION SYSTEM, the specification of which is attached hereto;

That I have reviewed and understand the contents of the attached specification, including the newly added claims, amended by any amendment;

That I acknowledge the duty to disclose information to the Office, all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56; and

That I verily believe the Original Patent to be wholly or partly inoperative or invalid by reason of a defective specification and by reason of my claiming less than I had a right to claim in the patent.

At least one error upon which reissue is based is described as follows:

Specifically, I consider that each of the issued Claims 1-3 in the Original Patent has inadvertently been claimed too narrowly during the prosecution of the original application at least since:

(1) The independent Claim 1 reciting a "pilot transmit unit" was claimed too narrowly in that Claim 1 also recites the sub-components of the "pilot transmit unit," thereby inadvertently narrowing the overall scope of the independent Claim 1; and

(2) Claim 2 has been inadvertently claimed too narrowly at least to the extent that Claim 2 depends from Claim 1; and

(3) The independent Claim 3 was claimed too narrowly by claiming both a "pilot channel receive unit" and a "traffic channel receive unit" in a single claim, thereby narrowing the overall scope of the independent Claim 3

Further, I consider that a typographical error was inadvertently introduced in the Specification, col. 7, line 33 by omitting the words --do not-- between the words "stations" and "simultaneously." The amendment correcting this error in the reissue application col. 7, line 33 merely corrects this simple typographical error and is consistent with and supported by the disclosure in other parts of the specification including at least col. 7, lines 29-32 and col. 5, lines 13-15.

The addition of new Claims 4-10 and the words --do not-- between the words "stations" and "simultaneously (col. 7, line 33) is a part of the original scope of the application as conceived and understood by me, and is not believed to be required by the prior art asserted against the issued Claims 1-3 during the prosecution of the original application (now the Original Patent).

All the above-identified errors being corrected in this reissue application arose

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through inadvertence, accident or mistake, and without any deceptive intention on my part,
the applicant.

I hereby declare that all the statements made herein of my own knowledge are true
and that all statements made on information and belief are believed to be true; and further that
these statements were made with knowledge that willful false statements and the like so made
are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the
United States Code, and that such willful false statements may jeopardize the validity of this
reissue application or any Reissue Patent that may be issued thereon.



Terumi SUNAGA